

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE  SANDRA MARIA DE FATIMA SEDA BARLETTA  Debtor	CASE NO. 19-02177(MCF)  CHAPTER 13
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**MOTION REQUESTING ORDER FOR EXPEDITED  
DISCOVERY, SHORTENED TIME TO OBJECT AND TO INFORM THAT  
DISCOVERY HAS BEEN SERVED**

**TO THE HONORABLE COURT:**

By counsel, Isabel de la Torre – Machado (hereinafter “De la Torre”) very respectfully represents and prays as follows:

1. Debtor of caption initiated the case of caption by filing a Chapter 13 petition on April 22, 2019. Dk. No. 1.
2. Thereafter, Debtor filed her first proposed Chapter 13 plan dated May 16, 2019. Dk. No. 11.
3. The foregoing proposed plan was objected to by the appearing creditor, Banco Popular de Puerto Rico (hereinafter “BPPR”) and the Chapter 13 Trustee. See, Dk. No. 15, Dk. No. 23 and Dk. No. 22, respectively.
4. After that, Debtor has filed four (4) amended proposed Chapter 13 plans, all of which have been objected by the appearing creditor, BPPR and the Chapter 13 Trustee. See, Dk. No. 28, Dk. No. 46, Dk. No. 52 and Dk. No. 69.
5. Almost two years have passed since the filing of the petition and Debtor has not yet confirmed a Chapter 13 plan.

6. Nevertheless, Debtor's excuse for not paying any adequate protection to secured creditors with liens over her real property located at #8 Calle Tapia in Ocean Park, San Juan, Puerto Rico is, that allegedly, said property has a substantial equity cushion which allows for said realty to be sold within an a long period of time, while being able to pay all secured creditors in full at the closing of its sale.
7. A hearing to consider the confirmation of Debtor's latest proposed plan dated January 8, 2021 and objected by the appearing creditor and BPPR is slated for **April 6, 2021 at 9:00 a.m.**
8. In view that the aforementioned hearing is a contested matter governed by Rule 9014 of the Federal Rules of Bankruptcy Procedure; Rule 7034 of the same rules is also applicable to conduct discovery regarding the confirmation of Debtor's proposed plan.
9. As a result, the undersigned informally requested through Debtor's counsel to coordinate a date and time to inspect and appraise Debtor's realty located at #8 Calle Tapia, Ocean Park, Puerto Rico, which is the appearing creditor's collateral.
10. Regretfully, and despite our best efforts to get access to the realty that serves as the appearing creditor's collateral in order to inspect and appraise the same, it has been impossible to obtain Debtor's cooperation to do so.
11. As a result, the appearing creditor was left with no choice but to send a formal discovery request to Debtor through her counsel on today's date. A copy of the request pursuant to Rule 34 of the Federal Rules of Civil Procedure is attached herewith.
12. In view of Debtor's failure to cooperate in order to coordinate a date and time to appraise Ms. De la Torre's collateral, we are also hereby requesting form his Honorable Court to direct Debtor to cooperate with the discovery request attached herewith, so the appearing

creditor may conduct the desired inspection and appraisal of her collateral and have an appraisal report ready before the hearing slated for April 6, 2021 to consider the confirmation of Debtor's latest proposed plan.

13. A request for a shortened five (5) day(s) time to object to the discovery request attached herewith is hereby requested, in order for the appearing party to be able to conduct the desired appraisal of its collateral and have an appraisal report ready before the date slated to consider the confirmation of Debtor's latest plan set for April 6, 2021.
14. The appearing creditor has undertaken all efforts to achieve the foregoing without having to occupy the time of this Honorable Court with discovery matters related to the confirmation hearing scheduled for April 6, 2021, to no avail.
15. Finally, we hereby inform this Honorable Court that the attached discovery request to appraise the appearing creditor's collateral has been served upon debtor through her counsel of record.

**SHORTENED NOTICE FOR OPPORTUNITY TO OBJECT  
AND FOR HEARING**

*Within five (5) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico and serve a copy of the same on the appearing parties and the US Trustee's Office. If no objection or other response is filed within the time allowed herein, the relief sought will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.*

**WHEREFORE**, it is respectfully requested from this Honorable Court to **GRANT** this motion and as a result enter an order directing Debtor to comply with the discovery request attached

herewith within the shortened period of time, along with any other redress this Court may deem just and proper.

**CERTIFICATE OF SERVICE:** This document was filed with the U.S. Bankruptcy Court for the District of Puerto Rico using the CM/ECF filing system, which will send a copy of this motion to all registered parties including: **Noemí Landrau - Rivera, Esq.**, Counsel for Debtor, **Alejandro Oliveras - Rivera, Esq.**, Chapter 13 Trustee, and to the **U.S. Trustee Office**. A copy of this document was also sent by First Class Mail to **Sandra María de Fatima Seda Barletta**, Debtor, #8 Calle Tapia, Ocean Park, San Juan, Puerto Rico 00911 and to all creditors and parties in interest as per the attached master address list.

**RESPECTFULLY SUBMITTED.**

In Guaynabo, Puerto Rico on this 22<sup>nd</sup> day of February 2021.

**LUIS M. SUAREZ LOZADA**  
**LAW OFFICES**

Counsel for Isabel de la Torre Machado  
P.O. Box 192333  
San Juan, Puerto Rico 00919-2333  
Phone:(787)296-4299  
e-mail: [suarez@caribe.net](mailto:suarez@caribe.net)  
**/S/Luis M. Suárez Lozada**  
USDC-PR 209712

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

SANDRA MARIA DE FATIMA SEDA BARLETTA	*	CASE NO. 19-02177(MCF)
	*	
	*	
Debtor	*	CHAPTER 13
	*	

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DISCOVERY REQUEST TO PERMIT ENTRY UPON LAND AND STRUCTURES  
FOR INSPECTION & APPRAISAL SURVEY PURSUANT TO RULES 9014 and 7034 OF  
THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

To: **SANDRA MARIA DE FATIMA SEDA BARLETTA**

Through their Attorney of Record  
Noemí Landrau – Rivera, Esq. and  
Josué Landrau – Rivera, Esq.  
P.O. Box 270219  
San Juan, Puerto Rico 00927  
Phone: (787)774-0224  
Fax: (787)793-1004  
e-mail: [nlandrau@landraulaw.com](mailto:nlandrau@landraulaw.com)  
and [jlandrau@landraulaw.com](mailto:jlandrau@landraulaw.com)

**PLEASE TAKE NOTICE** that ISABEL DE LA TORRE, through its attorney Luis M. Suárez Lozada of Luis M. Suárez Lozada Law Offices requests that, within five (5) days after service of this Request **SANDRA MARIA DE FATIMA SEDA BARLETTA** permits the personnel of **Efraín Tirado Appraisal Group** to enter onto land, structures and premises more particularly described hereinbelow in the Spanish language to inspect such real property and all improvements thereon in order to conduct an appraisal survey of the same:

**URBANA:** Solar marcado con el número catorce de la Manzana I del Plano de Urbanización de los terrenos de Ocean Park Development Corporation, radicado en la Sección Norte del Barrio de Santurce, San Juan, Puerto Rico, sitio conocido por el Parque. Tiene una superficie de cuatrocientos cincuenta y ocho metros diez centímetros cuadrados. Colinda por el NORTE, en treinta y un metros veinte y seis centímetros con el solar número trece de Ocean Park Development Corporation; por el SUR, en veintinueve metros, con el solar número seis, propiedad de Rolando Rivera Robert; por el ESTE, en quince metros ocho centímetros con la Avenida San Gabriel; y por el OESTE, en quince metros, con el solar número doce, propiedad de Ocean Park Development Corporation.

Según inscripción 13ra se menciona que en dicho solar enclava un edificio de concreto de 2 plantas dedicadas a hotel y al fondo del solar enclava otro edificio de 2 plantas, dedicado a hotel, también de cemento. Inscrita al folio 155 del tomo 802 de Santurce Norte, Finca número 8,999; Registro de la Propiedad de Puerto Rico, Sección I de San Juan.

Such entry, inspection and survey shall occur on **March 11, 2021**, commencing *between 9:00 am. and 9:30 am.* The requested entry shall include the entirety of the Land, the inside of all Buildings and Structures, and all premises as necessary to complete the inspection, appraisal and survey of the real

property described herein. The parties attending such inspection will be personnel of **Efraín Tirado Appraisal Group** or any person employed or designated by Mr. Efraín Tirado as president of **Efraín Tirado Appraisal Group**.

In Guaynabo, Puerto Rico on this 22<sup>nd</sup> day of February, 2021.

**LUIS M. SUAREZ LOZADA**

**LAW OFFICES**

Counsel for Isabel de la Torre

P.O. Box 192333

San Juan, Puerto Rico 00919-2333

Phone:(787)296-4299

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e-mail: [suarez@caribe.net](mailto:suarez@caribe.net)

**/S/Luis M. Suárez Lozada**

USDC-PR 209712

Label Matrix for local noticing  
0104-3  
Case 19-02177-MCF13  
District of Puerto Rico  
Old San Juan  
Mon Sep 14 12:20:45 AST 2020

BANCO POPULAR PR - SPECIAL LOANS  
PO BOX 362708  
SAN JUAN, PR 00936-2708

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

AURORA BANK FSB  
2617 COLLEGE PARK  
Scottsbluff, NE 69361-2294

AUTORIDAD DE ACUEDUCTOS  
Y ALCANTARILLADOS  
P.O. BOX 70101  
SAN JUAN, PR 00936-8101

BANCO POPULAR DE PUERTO RICO  
SPECIAL LOANS  
PO BOX 362708  
SAN JUAN, PR 00936-2708

BANCO SANTANDER  
PO BOX 362589  
SAN JUAN, PR 00936-2589

Banco Popular de Puerto Rico  
Special Loans Department (749)  
PO Box 362708  
San Juan, PR 00936-2708

CRIM  
PO BOX 195387  
SAN JUAN, PR 00919-5387

DEPARTMENT OF TREASURY  
BANKRUPTCY SECTION 424 B  
PO BOX 9024140  
SAN JUAN, PR 00902-4140

FANNIE MAE  
3900 WISCONSIN AVENUE  
NW WASHINGTON  
Washington, DC 20016-2806

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATION  
PO BOX 7346  
PHILADELPHIA, PA 19101-7346

ISABEL DE LA TORRE MACHADO  
H3 CONDOMINIO MEADOWS TOWER APT. 6A  
AVENIDA SAN PATRICIO  
GUAYNABO, PR 00968

(p)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

LIC. ANTONIO HERNANDEZ ALMODOVAR  
RIVERA-MUNICH & HERNANDEZ LAW OFFICES  
PO BOX 364908  
San Juan, PR 00936-4908

LIC. IDALIA N. LEON LANDRAU  
PO BOX 7531  
Caguas, PR 00726-7531

LIC. JULIO NIGAGLIONI ARRACHE  
URB. RIBERAS DEL RIO  
CALLE 7 D-1  
Bayamon, PR 00959-8820

MIDLAND FUNDING  
PO BOX 268941  
Oklahoma City, OK 73126-8941

RIVERA MUNICH & HERNANDEZ LAW OFFICES PSC  
PO BOX 364908  
SAN JUAN PR 00936-4908

RIVERA MUNICH, ELIZA & HERNANDEZ  
PO BOX 364908  
San Juan, PR 00936-4908

SMALL BUSINESS ADMINISTRATION  
2120 RIVERFRONT DRIVE SUITE 100  
LITTLE ROCK, AR 72202-1794

Synchrony Bank  
c/o of PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

US Department of Education  
PO Box 16448  
Saint Paul, MN 55116-0448

ALEJANDRO OLIVERAS RIVERA  
ALEJANDRO OLIVERAS CHAPTER 13 TRUS  
PO BOX 9024062  
SAN JUAN, PR 00902-4062

ISABEL DE LA TORRE -MACHADO  
H3 CONDOMINIO MEADOWS TOWER APT. 6A  
GUAYNABO, PR 00968

MONSITA LECAROS ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

NOEMI LANDRAU RIVERA  
PO BOX 270219  
SAN JUAN, PR 00928-3019

SANDRA MARIA DE FATIMA SEDA BARLETTA  
8 CALLE TAPIA  
OCEAN PARK  
SAN JUAN, PR 00911-1442

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

JEFFERSON CAPITAL SYSTEMS, LLC  
PO BOX 7999  
Saint Cloud, MN 56302-9617

(d)Jefferson Capital Systems LLC  
Po Box 7999  
Saint Cloud Mn 56302-9617

End of Label Matrix	
Mailable recipients	27
Bypassed recipients	0
Total	27